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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,325	10/31/2003	Heiner Reihl	P03,0467	2188

7590 07/26/2005

SCHIFF HARDIN & WAITE
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Chicago, IL 60606

EXAMINER

PHAM, HAI CHI

ART UNIT PAPER NUMBER

2861

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11/18

Office Action Summary

Application No.

10/698,325

Applicant(s)

REIHL, HEINER

Examiner

Hai C. Pham

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-11, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 4-7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 8-11, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al. (JP 03289681A) in view of Myamoto et al. (JP 05107888A).

Masuda et al., an acknowledged prior art, discloses an optical printer comprising a light-sensitive and temperature-sensitive photoconductor (1), a temperature-sensitive light source (LEDs), and light quantity control device (4) for adjusting the current flowing through the light emitting element (e.g., the light quantity of the exposure device 3) by measuring the discharge depth of the photoconductor (e.g., measuring the potential of the photosensitive body before and after the exposure).

Masuda et al. fails to teach using the temperature of the light source as a reference value for the temperature compensation of the light source.

Myamoto et al., another acknowledged prior art, discloses an image forming apparatus provided with a control device for correcting the light quantity of the LED by

measuring the temperature of the LED and the potential or electrifying quantity of the photosensitive body.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to be to take into account the temperature of the LED light source when adjusting the light quantity of the light source in the device of Masuda et al. as taught by Myamoto et al. The motivation for doing so would have been to accurately adjust the light quantity of the light source, which is temperature sensitive.

Masuda et al. further teaches the discharge depth regulation being measured as needed with the provision of the feedback loop control.

Allowable Subject Matter

4. Claims 4-7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: the primary reason for the indication of the allowability of claim 4 is the inclusion therein, in combination as currently claimed, of the limitation "wherein light energy of the light source is held constant between successive discharge depth measurements", which is not found taught by the prior art of record considered alone or in combination.

The primary reason for the indication of the allowability of claims 6 and 13 is the inclusion therein, in combination as currently claimed, of the limitation "that in an operating phase of lesser temperature than a nominal temperature T_{limit} , a temperature

overcompensation occurs for the light source such that the activation power is dynamically super proportionally raised", which is not found taught by the prior art of record considered alone or in combination.

The primary reason for the indication of the allowability of claim 12 is the inclusion therein, in combination as currently claimed, of the limitation "wherein in an operating phase of lesser temperature than a nominal temperature T_{limit} , a temperature over-compensation occurs for the light source such that the activation power is dynamically increased until the nominal temperature is reached", which is not found taught by the prior art of record considered alone or in combination.

Claims 5 and 7 are allowable because they are dependent from claims 4 and 6 above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2861

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

July 23, 2005